

Topsfield Planning Board

February 7, 2012

Chairman Morrison called the meeting to order at 7:45 PM at the Town Hall. Board members present were Martha Morrison, Janice Ablon, Gregor Smith, Steven Hall and Ian DeBuy Wenniger. Roberta Knight, Community Development Coordinator was also present.

Visitors: None

Minutes: Member Ian DeBuy Wenniger made the motion to approve the minutes of January 12, 2012 as amended; seconded by Member Gregor Smith; so voted 4-0.

Cross Street Meredith Farm Common Driveway: Chairman Morrison informed the Board that the public hearing was postponed to the February 21st meeting due to a deficiency in the notice process.

Discussion on Revisions to Stormwater & Erosion Control By-law (SWEC): The Board reviewed the comments by Town Counsel Patricia Cantor concerning her legal review of the By-law pertinent to specific questions relating to (1) a change to a zoning by-law, (2) incorporation of increased slope parameters as exemptions, (3) handling variances as a zoning by-law, (4) relation to waivers in the SWEC Rules & Regulations, and (5) the public hearing process.

Chairman Morrison summarized Town Counsel's comments (see attachment) and informed the members that she had discussed the proposed revisions to the SWEC By-law with members of the Zoning Board of Appeals. Chairman Morrison noted that the ZBA members did not oppose revising the By-law and its possible change to a zoning bylaw; however, the members did not want to be the special permit granting authority. The members also noted their respective concerns on the approach to be taken relative to increasing the slope parameters. The members did not want a lot excluded from development due to the slope on the property since that would infringe on property owner rights and could be subject to legal review as a "taking".

Chairman Morrison also noted that at the joint Planning Board/Conservation Commission meeting last week, the members had a very successful discussion concerning both the requirements of the SWEC By-law and its enforcement. Chairman Morrison noted that Conservation Chairman George Hall noted that he would be in favor of the change to a zoning by-law. She also noted that Conservation members noted that in their review of stormwater issues concerning lots being reviewed under the state and local wetland by-laws the Commission has found that the "poorly drained soils" have presented the most problems in regards to drainage and run-off. The Commission recommended the incorporation of language addressing this issue. Members James MacDougall and Holger Luther have been working on the development of a soils map for Topsfield that could be

referenced in the revised By-law. The type of soils on a lot would trigger the By-law and the permitting review process. They agreed to work on language for this revision.

Chairman Morrison noted that as a member of the Stormwater Management Committee, she attended the Committee's last meeting and reviewed the proposed revisions with the Committee members. Ms. Morrison noted that the members prefer to keep the By-law as a general by-law due to enforcement issues. As a zoning by-law, enforcement would be under the Inspector of Buildings and not the Stormwater Management Agent representing the Committee and the Planning Board. Inspector of Buildings Glenn Clohec has stated that he does not want to be the enforcement agent. The Committee also discussed the Board Of Health storm drain regulation regulating storm drain systems that cause water to channel across boundaries or into streets. The current Board of Health has not been enforcing this regulation since the Board was not aware of its existence. It was suggested that storm drains be included in the revisions to the SWEC By-law. The Planning Board would need to obtain concurrence from the Board of Health. It was the consensus of the Planning Board members to keep the SWEC By-law as a general by-law with revisions related to slope, soils and storm drains.

Members Ian DeBuy Wenniger and Martha Morrison jointly volunteered to draft a revised By-law. Member Steve Hall volunteered to draft a definition for storm drain.

Revisions to the Subdivision Rules & Regulations: Chairman Morrison noted that since there will be a scheduled public hearing for the zoning warrant articles that the Board should also hold in conjunction a separate hearing for revisions to the Subdivision Rules & Regulations and notice revisions for both on the same legal notice.

The meeting was adjourned at 9:35PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator

List of Documents:

- Minutes of January 12, 2012
- Patricia Cantor, Town Counsel, email dated February 2, 2012
- Storm Water & Erosion Control By-law
- Rules & Regulations Relative to the Installation and Maintenance of Storm Drains